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ABSTRACT

The first of two issues devoted to an analysis of mainstreaming for handicapped students includes eight papers on aspects of the topic. Papers consider public awareness and acceptance of the handicapped; implications of Section 504 (Vocational Rehabilitation Act of 1973); components of P.L. 94-142, the Education for All Handicapped Children Act; identification, assessment, placement and accountability issues related to P.L. 94-142; student records and the Family Educational Rights and Privacy Act; effects of mainstreaming on nonhandicapped young children; and the impact of mainstreaming on parents. (CL)

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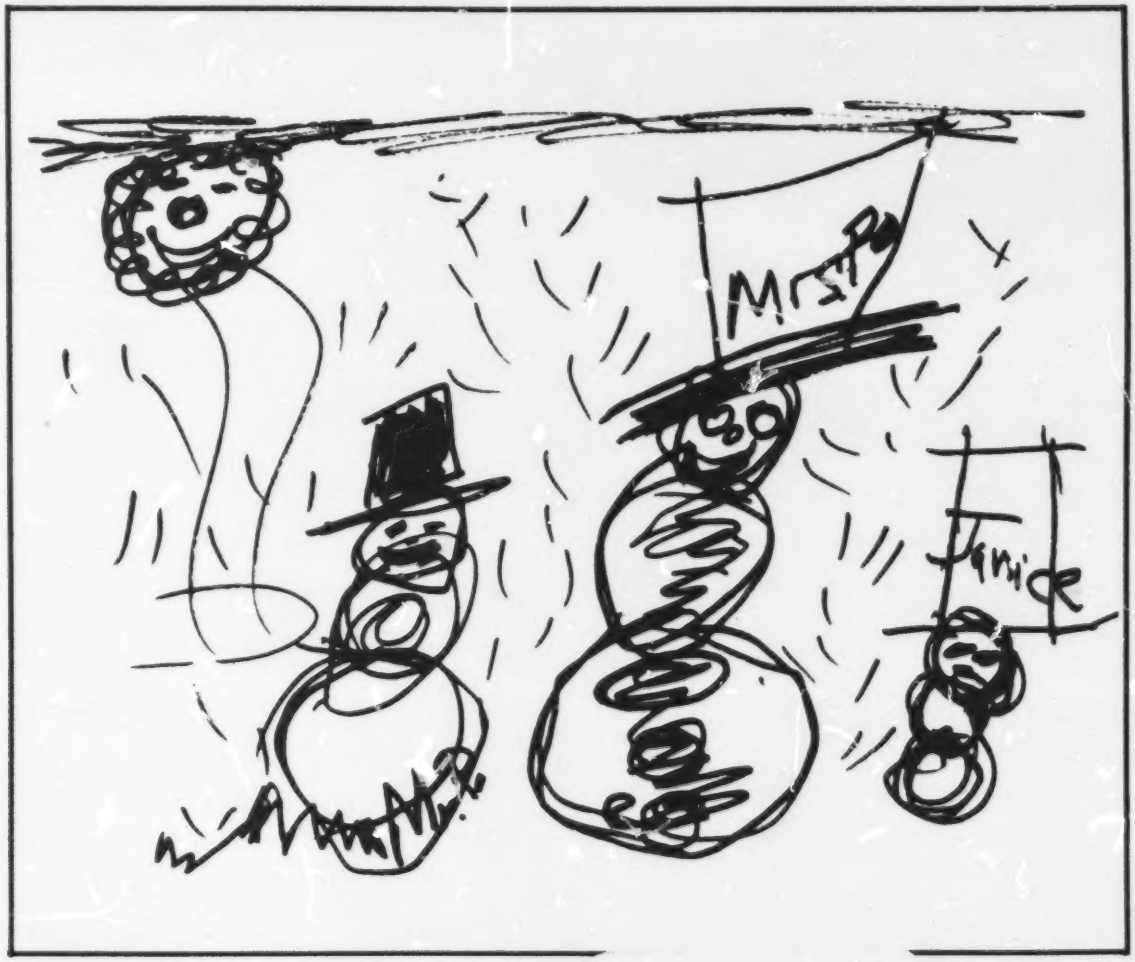

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MAINSTREAMING -- TOWARD MORE THAN "MAINSCHOOLING"

1

by William R. Bauer

Since 1954 when the Supreme Court ruled in the Brown vs. Board of Education of Topeka case that "in the field of public education, the doctrine of separate but equal has no place," those findings have been extended to include minorities other than racial. The analogies between the black and/or handicapped and the respective experiences in our society are quite similar, particularly in the areas of social distance, stereotypes, negative attitude, and segregation (Jordan, 1968). During the last decade, major court decisions in Pennsylvania, Washington, and Louisiana have given added dimension to the question of the right to education for the minority generally referred to as "the handicapped." In 1974 the Mathias Amendment to the Education of the Handicapped Act required that as a condition for federal funds, each state adopt "procedures to insure that to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities are educated with children who are not handicapped..." (p. 9). Unfortunately, while courts and legislatures can issue mandates for inclusion of handicapped people in various settings, they can do little to ensure the understanding and acceptance of those in this group by their nonhandicapped peers with whom they will come in contact.

"Mainstreaming" and other forms of interaction with the handicapped create demands that are difficult for both those who

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teach and learn in regular education classrooms and who function in other areas of our essentially "nonhandicapped" society. It would be naive to expect major, rapid changes in understanding and acceptance to occur as the outcome of legal decisions (Lortie, 1976) even though those changes are generally considered desirable. In the words of Edward Martin (1976), "We cannot deny that prejudice toward the handicapped does exist, and we must deal with that prejudice" (p. 5).

There is some evidence that integration of the handicapped is an effective way to deal with prejudice. Rapier, Adelson, Carey, and Croke (1972) found that, after integration, nonhandicapped children had developed a more positive attitude toward the orthopedically handicapped; and Bruininks, et al., (1974) found that there was no appreciable difference or difficulty in acceptance of the educable mentally retarded student (EMR) in regular classroom.

Other evidence, however, indicates that mere integration is not enough. Baldwin (1958) found that there was less acceptance of educable mentally retarded students in regular classes; Gottlieb and Budoff (1973) reported that integrated EMR students were rejected more than segregated EMR students; and Lano, Ayers, Heller, McGettigan, and Walker (1974) reported that even with supportive resource-room services the acceptance of EMR students was not improved.

It seems, then, that attitude change does not happen merely as a function of mainstreaming. We find further evidence and support of that position in the work of Johnson (1960) who concluded that EMR children were segregated socially in spite of their physical presence within the grade group, Kirk (1962) who concluded that mentally retarded children were often isolated and rejected by their peer group, and Dunn (1962) who expressed the view that retarded students are socially segregated even when they are physically integrated into the regular classes. Studies of children with other disabilities indicate much the same problem. Dale (1967) found that mere placement in itself will not insure a total acceptance of the hearing-impaired child into the life of the regular classroom and school; Ford (1968), Rafferty (1970), and M. Skinner (1971) concluded that pupils in the regular class will sometimes neither accept the hearing-impaired child nor give him the same consideration they expect and give each other. Based on the work of Siller (1967) we find that there tends to be a consistency in an individual's attitudes across disabilities, and we can expect that children with other handicaps would face similar problems of acceptance in regular classrooms.

How, then, do we move onward with this process of mainstreaming? Most Americans have little experience in knowing or working with handicapped persons, and it is recognized that most people are more fearful of, and reluctant to deal with, the unknown than the familiar. Stereotypes of handicaps, stigmas attached to labels, and general rejection of difference have helped to create the separation of the handicapped.

The major effort at including handicapped children with their non-handicapped peers has been, and is at this time, aimed at the integrated education of both groups--thus giving rise to my notion of "Mainschooling" rather than "Mainstreaming." But there is, after all, a world outside the schools into which handicapped preschoolers, school-aged children, and adults must be admitted on an equal basis. It is my position that attitudes of the nonhandicapped toward the handicapped can be modified; however, a learning process must take place before, or at least concomitantly with, the integration of these two groups. According to Jordan (1968) "The greatest amount of research reports the use of instruction in some form or another as a means of modifying attitudes." He also states "the attitudes of a person toward objects, persons, and processes have been shown to be dependent on the amount and quality of information he possesses with respect to them."

For these reasons, it is desirable to present information about handicaps and handicapped persons to children and adults in familiar and non-threatening ways. We cannot help the handicapped by misrepresenting them. They can and should be presented realistically as individuals who are an integral part of society and whose needs and rights are the same as those of any other person. Commercial television and films, for example, as an experience common to nearly all of us, rarely include the handicapped in a manner that indicates their integral part in everyday life. One can easily wonder why, even in crowd scenes, the handicapped rarely appear, and few television programs and commercials even portray individuals who

are so mildly handicapped that they wear eyeglasses.

One cannot deny, of course, that commercial television and movies do portray the handicapped in various special ways, but they generally fall into the category of stories "about a mentally retarded person" or a "person with such and such handicap." Some of these are well done, and for their efforts to impart information about the handicapped they are to be commended. All too often, however, they point to the difference of the handicapped rather than to those commonalities that make us all people. If commercial television and films represent our "mainstream" experience, perhaps the inclusion of the handicapped in an "everyday way" will become more common. Newspapers, magazines, books, and other reflectors of society at large might also examine the degree to which they represent the handicapped as part of the every day experience of all of us. Does one find the handicapped child in a regular boy scout or girl scout troop, or are they more often in a troop of "exceptional children" sponsored at the local school for exceptional children? Does one find the handicapped adult at the local church social function, or is she or he more apt to appear only at those functions sponsored by the advocacy or disability group with which he or she most closely identifies? Or, worse yet, does one just not find the handicapped?

Obviously, one cannot hope for instantaneous change in attitude, exposure, or acceptance any more than one can expect the passage of a law to answer all the problems of the handicapped. We can, however, work toward increasing the awareness of the nonhandicapped and the handicapped alike to a concept of equal participation both inside and outside the traditional educational setting and work toward the realization of the process of "Mainstreaming" in its broader sense.

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SECTION 504: A CIVIL RIGHTS ACT FOR THE HANDICAPPED

2

by James J. Raggio

Frank J. Laski

Children, as Justice Douglas stated, dissenting in *Wisconsin vs. Yoder*, "are 'persons' within the meaning of the Bill of Rights. We have held so over and over again..." decisions extending procedural protections in juvenile and educational settings, the Court more recently has managed to avoid substantive issues affecting civil rights most critical to handicapped children--their right to educational services and community services. Indeed, the response of the legal system to the nine million youth (0-21 years of age) who are physically or mentally disabled to the degree that they and their families must make claims on the educational and child welfare systems has been to avoid the issue of entitlement to services and impose procedural mechanisms in attempts to control agency and provider decisions. So we have, by court decision and federal legislation, right to due process hearings in education, right to fair hearings in public assistance, social security, and rehabilitation programs, and a full panoply of legal rights to notice, representation, confrontation, and appeal, in virtually all mental health, mental retardation, child welfare, and social service programs. Yet for all the procedural safeguards, handicapped children and their families are subjected to social welfare and education programs which are by and large nonresponsive and indifferent to their needs.

The story of exclusion of handicapped children from services they must have to grow and develop and their segregation in special schools, centers, and institutions with no services or inappropriate services follows the same narrative as the exclusion of other politically powerless, stigmatized minorities in this country. Their struggle to overcome fear, prejudice, and discrimination and to realize the right to be different and to have that difference accommodated is much the same as that with Blacks, women, and other minorities--it is a civil rights struggle. Statutory codification of constitutional norms of equal protection has been a centerpiece in each of the civil rights movements of the past decades. The Civil Rights Act of 1964, for Blacks, Hispanics, and other minorities, Title IX of the Education Amendments of 1972, for women, and the equal rights clause of the Older Americans Act for the elderly all are important weapons in the civil rights armory. With the enactment of the Rehabilitation Act of 1973 disabled children and adults have the same statutory tools.

Section 504 of Title V of the Rehabilitation Act of 1973, adopted unanimously by the Congress and signed into law by the President on September 26, 1973, provides:

> No otherwise qualified handicapped individual in the United States, . . . shall solely by reason of his handicap, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. (p. 76)

For purposes of Title V of the Act, "handicapped individual" is defined as:

> [A]ny person who (A) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (B) has a record of such an impairment, or (C) is regarded as having such an impairment. (p. 20)

Section 504 tracks verbatim the provisions of Title VI of the Civil Rights Act of 1964 and extends to all handicapped children and adults the protections long extended on grounds of race and national origin, namely the prohibition of exclusion, of denial of benefits, and of discrimination under any federally assisted program or activity. Like

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Title VI, Section 504 has legislated the requirements of the constitutional norms of equal protection

Section 504 was ignored by the Nixon-Ford Administration. After a lawsuit was filed to force implementation of 504, regulations were proposed but not issued. Some 3½ years after the law was passed and in the wake of a series of demonstrations and sit-ins in Washington and HEW Regional Offices throughout the country, Secretary of Health, Education, and Welfare Califano signed the 504 regulation creating new rights and establishing new procedures for hastening the enforcement of existing rights in the areas of education, employment, health care, and social services. The regulations provide the framework for bringing about such fundamental changes as removing architectural barriers, providing effective communication for the blind and the deaf, and accommodating the needs of disabled children and adults in the classroom and in the work place to insure that everyone can fully participate in and share in the benefits of activities supported by the federal government.

Secretary Califano described the impact of the HEW regulation, which became effective June 3, 1977, as follows:

> The Section 504 Regulation attacks the discrimination, the demeaning practices and the injustices that have afflicted the nation's handicapped citizens. It reflects the recognition of the Congress that most handicapped persons can lead proud and productive lives despite their disabilities. It will usher in a new era of equality for handicapped individuals in which unfair barriers to self-sufficiency and decent treatment will begin to fall before the force of law. (Califano, News Release. p. 1)
>
> In Section 504, the Congress enacted a charter of equality to help end the shameful national neglect of handicapped individuals and to translate many of their legitimate needs into legal rights. (p. 11)

IMPLICATIONS OF SECTION 504 FOR HANDICAPPED CHILDREN

The Section 504 prohibitions against discrimination include three important principles which have the potential for reforming services to handicapped children. Section 504 confers present rights requiring full service, requires recipients to act affirmatively to discharge duties and assure effective services, and imposes a duty to provide services in the most integrated fashion. The requirements of equal opportunity, full and effective services, affirmative action, and integration are spelled out in the regulation's general prohibitions against discrimination. A recipient of federal financial assistance providing any aid, benefit or service may *not,*

- Deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or service;
- Afford a qualified handicapped person an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;
- Provide a qualified handicapped person with an aid, benefit, or service service that is not effective as that provided to others;
- Provide different or separate aid, benefits, or services to handicapped persons or to any class of handicapped persons unless such action is necessary to provide qualified handicapped persons with aid, benefits, or services that are as effective as those provided to others. (42 Federal Register p. 22678)

The regulation continues to provide that

> Aids, benefits, or services, to be equally effective, are not required to produce the identical result or level of achievement for handicapped and non-handicapped persons, but must afford handicapped persons equal opportunity to obtain the same result, to gain the same benefit, or reach the same level of achievement in the most integrated setting appropriate to the person's needs. (42 Federal Register, p. 22679)

Both HEW in its analysis of the regulations and a number of Federal Courts ruling on cases brought under Section 504 have interpreted the law and the HEW regulations to require that changes and adjustments be made to regular programs to accommodate the needs of disabled individuals. It will no longer do to merely treat a handicapped child

the same as everyone else when he or she cannot make use of the service or benefit being provided even though there is no intent to discriminate against or exclude the child. For example, a school cannot meet its obligation to educate deaf children just by admitting them to a classroom. For the education to be effective, the school must also provide the child with a means to understand the teacher and receive instruction.

As the HEW regulation writers state,

> the term equally effective, . . .is intended to encompass the concept of equivalent, as opposed to identical services and to acknowledge the fact that, in order to meet the individual needs of handicapped persons to the same extent that the corresponding needs of nonhandicapped persons are met, adjustments to regular programs or the provision of different programs may sometime be necessary.
>
> It must be emphasized that, although separate services may be required in some instances, the provision of unnecessarily separate or different services is discriminatory. (Federal Register p. 226-87)

SECTION 504 AND EDUCATION

Two recent education cases illustrate the integration imperative of Section 504 and the duty to take affirmative steps to assure meaningful services and enforce present rights.

In *Hariston vs. Drosick*, a spina bifida child, who was offered homebound instruction, a special education class, or a regular class if her mother would come to the school two or three times a day to attend to the child, sued, as did her parents, on behalf of themselves and all others similarly situated, for admission to the regular class without conditions. Their claim was based upon Section 504. The Court made extensive integration findings and held the exclusion from a regular class "without a bona fide educational reason" in violation of Section 504. Federal District Court Judge Hall wrote:

> The federal statute proscribes discrimination against handicapped individuals in any program receiving federal financial assistance. To deny a handicapped child access to a regular public school classroom in receipt of federal financial assistance without compelling educational justification constitutes discrimination and a denial of the benefits of such program in violation of the statute. School officials must make every effort to include such children within the regular public classroom situation, even at great expense to the school system. (423 Federal Register p. 184)

In *Kruse vs. Campbell*, where parents of handicapped children challenged the failure to provide full reimbursement for educational services, the Court held that although the Education of All Handicapped Children Act of 1975 set September 1, 1978, as the date when service for all children and full funding is required, that statute in no way diminished the present right of handicapped children to an appropriate education under Section 504.

Assuring integrated and effective services to all handicapped children requires a new level of commitment and effort in education, health, welfare, and social services. We can predict protests from educators and generic services providers that 504 makes costly and unrealistic demands upon programs that are overburdened in meeting the demands of nonhandicapped children. The answer to these protests was anticipated by Secretary Califano when he stated:

> discriminatory practices and providing equal access to programs may involve major burdens on some recipients. Those burdens and costs, to be sure, provide no basis for exemption from Section 504 or this regulation: Congress' mandate to end discrimination is clear. (Califano, News Release, p.9)

As in other areas of discrimination where moral, ethical, and utilitarian arguments were ignored and lesser legal sanctions failed, the threat of termination of federal funding for violation of 504 may force providers of children's services to live up to their duty to affirmatively advance the integration of handicapped children to the limit consistent with their needs and affirmatively adapt and accommodate the services provided to them so that they are meaningful and effective services.

(Cont'd on page 70)

3 "SHAWNTELL"

by Jeffery L. Strully

"We have to do what by when for whom?" This must be the standard phrase of every administrator, supervisor, teacher, and school board member in our country. Why are these people talking about Public Law 94-142?

Public Law 94-142 was signed into law on November 29, 1975. It was immediately claimed as the most important piece of educational legislation that has ever occured for handicapped children. The law has its roots in court decisions and legislative actions taken by almost every state in our country.

In 1971 thirteen brave parents, along with a number of advocates took the Commonwealth of Pennsylvania to federal court for denying a class of citizens their right to an education. The now famous PARC Case opened the door for an era of litigation that swept our country, proclaiming the rights of every handicapped child.

Some states, such as Massachusetts, decided to take the legislative route rather than to go to federal court. These actions taken by advocate groups, consumers, and a few dedicated and loyal professionals acted as a catalyst in developing federal legislation in the form of P.L. 94-142.

The law's full title speaks to the intent of the law--*Education For All Handicapped Children's Act*. The law's goal is to "insure that the State has a goal of providing full educational opportunity to all handicapped children aged birth through 21" (p. 42481-8). This is the goal mandated by the public law for each state and its local instrumentations to attempt to meet. Every public law has accompanying regulations. Regulations are promulgated to carry out the intent of the law. On August 23, 1977, the final regualtions for P.L. 94-142 were promulgated. The regulation's purpose was to

> "insure that all handicapped children have available to them a free appropriate public education which includes special education and related services to meet their unique needs: to insure that the rights of handicapped children and their parents are protected: to assist states and localities to provide for the education of handicapped children, and to assess and insure the effectiveness of efforts to educate these children" (p. 42477-8)

Both the law and the regulations are very clear on their intent; however, only consumers and professionals working together will make the law a reality.

For our discussion, there are only six major areas. They are (a) free appropriate public education; (b) individualized education program; (c) due process procedures for parents and children; (d) protection in evaluation procedures; (e) least restrictive environment; and (f) all other items.

I will discuss each of these areas in greater detail. Please understand that in no way are other components of the law any less important; the state and local plans, funding, private schools, and childfind are of grave concern and importance. However, for parents, handicapped children and educators, these areas are of primary importance.

FREE APPROPRIATE PUBLIC EDUCATION [FAPE]

Each state shall insure that a free appropriate public education shall be provided for all handicapped children aged 3 through 18 within the state not later than September 1, 1978, and to all handicapped children aged 3 through 21, no later than September 1, 1980.

For children between the ages of 3 and 5 or 18 and 21, free appropriate public education (FAPE) is not required if it is inconsistant with a court order or state law. The full educational opportunity goal, which I

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mentioned before, is a part of the implementation of a FAPE for all handicapped children.

It should be noted that the ages in "childfind," which required under P.L. 93-380 that all children from birth to 21 must be identified, located and evaluated, are greater than that of the FAPE section of the law. The rationale for that was for the children in their attempt to meet the full education opportunity goal.

Timelines for implementation of the FAPE section of the law, are maximum dates for compliance no later than September 1, 1978, or September 1, 1980, depending on whether it was ages 3 to 18 or ages 3 to 21; however, here in Pennsylvania all children already should be provided for under the FAPE handicapped section of the law. If your child isn't receiving a FAPE and you live in Pennsylvania, that local educational agency is in noncompliance with state mandates.

INDIVIDUAL EDUCATION PROGRAM [IEP]

One of the sections that is most important to parents, consumers, and educators is the IEP. Simply stated it is a written program developed in a meeting with the teacher, the LEA/IU representative who can supervise or provide the program, the parent and where possible, the child. The program is developed to meet each individual child's unique educational needs.

The components of the IEP are *present levels* (what can the child do or where is he); *goals and objectives* (what you want to accomplish this year and how will you get there--smaller steps); *special service and related services that need to be provided* (what do you need to reach the goals and objectives you outline--what services are needed to meet the child's needs); *projected dates for initiation and duration* (by what time do you expect to reach your goals and objectives and how long will services run); and finally, *evaluation procedure* (how do you set out to accomplish or did you do what you said you were going to do).

IEP's must be done by October 1, 1977 upon identification of a handicapped child, and at the beginning of each school year thereafter. The IEP must be in effect prior to assignment or placement, and any special education and/or related services are provided.

It is imperative that parent participation exists. The law clearly states that the educational system must make every attempt to insure parent participation. Is one letter enough? The answer is clearly "*no*!" The educational agency must use a number of methods such as phone calls and home visits to attempt to get parents involved. However, if after the above is attempted and the parent still does not want to partake in his/her child's IEP, the education system may proceed without the parent present.

The IEP is the most important educational and accountability document the child has. The IEP is to be a program plan to meet the individual needs of the child. The IEP is to be developed in a meeting to include teacher and parents--a must if the IEP is really going to work. Finally, the IEP, in fact, is holding the educational system accountable--not in the sense of the sledge hammer approach, but in that the educational system has a responsibility to meet the child's educational needs whatever they are. The IEP says: What are you going to do this year for this child and why?

The IEP is the key. No IEP can be appropriately developed without parent participation--no child can receive an appropriate IEP without teacher input. The idea is for us to work together for children.

After an IEP is developed, the question arises: Where is the placement or assignment going to take place? The law (P.L. 94-142) clearly indicates that "handicapped children should be educated with nonhandicapped children to the maximum extent appropriate..." The use of separate classes or facilities are to be used only as a last resort when supplemental aides or devices will not allow the inclusion of the handicapped child in the regular classroom.

The key to least restrictive environment is where should the child go--not what is administratively convenient or what is available. Children are to be placed with nonhandicapped children and any exclusion must have educational justification, not administrative double talk.

This idea of LRE connotes a continuum of alternative placements. This continuum needs to be placed in order that the LRE section of the law can be fully met.

What does the above really mean? Well,

it means that to have two options open such as regular class placement and/or special facility is illegal. There are some children in need of full-time, self-contained classes; however, there is no reason why that class cannot, or should not be in a facility with nonhandicapped children.

LRE also means the use of approved private schools or facilities only when the IEP can be met in an approved private school which is also the least restrictive alternative. To place children in segregated environments based solely on a label or IQ score is illegal and immoral.

PROTECTION IN EVALUATION PROCEDURES

The law spells out clearly that testing must be done in a specific fashion along with certain procedures to be followed to insure that misclassification does not occur.

Testing and evaluation procedures must not be culturally and racially discriminatory. Children are to be tested in their native language; tests must be administered by certified and qualified individuals; the test must be validated for the specific purpose for which it was intended to be used; and more than one test must be utilized. These safeguards are meant to attempt to stop the misuse of tests in placing individuals into special education.

The law clearly indicates that prior to any testing taking place, the parents must be informed and must give their permission for the test to be done. If the parent refuses, the educational system can request a conference with the parents and/or a due process hearing.

Due process. Simply stated, the concept of procedural safeguards through due process is a mechanism to protect the parent and child before any steps are taken to propose to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education or refuse to do all of the above.

Prior written notice and parent consent must be sought prior to conducting a pre-placement evaluation and initially placing a handicapped child in a program providing special education and related services.

The notice, or the letter, sent home requesting to do one of the foregoing must contain a number of items, such as a full explanation of all procedural safeguards available to the parent, a description of the action proposed or refused, and a description of each evaluation and/or test. The notice must be written in the language understood by the parent (i.e., provided in the native language) and the parent must be able to understand the content of the notice.

If there exists an impasse, procedures have been set up for an impartial due process hearing in front of an impartial hearing officer. There are a number of rights each party has at the hearing such as (a) being accompanied by anyone of his/her choosing, including legal counsel; (b) presenting evidence; (c) confronting, and cross-examining the witness; (d) compelling the attendance of witnesses; (e) prohibiting the introduction of any evidence at the hearing that has not been disclosed five days prior to the hearing to the other party; (f) obtaining a written record of the hearing; and (g) obtaining written findings of the facts and the decision.

The parent may also request complete access to the school records that were used in the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education.

If after a due process hearing further action is required, the parent or other party has the right to appeal the decision for administrative review and to take it to civil action.

While the procedural due process is in place, the child is to remain in his original assignment, or if he is newly identified, he may be placed in a program with the parents' permission. In case there are no parents available or if the child is a ward of the state, then a surrogate will be identified to act as a parent on benalf of the child to protect his rights and to insure that he has available to him an appropriate program of education and training.

OTHER CATEGORY

There are numerous other areas of the public law that are of importance, such as confidentiality of information, state plans, allocation of funds, reports, private schools, and personal development. However, suffice it to say that the only item I would like to

(Cont'd on page 70)

IMPLEMENTATION REQUIRES MORE THAN MONEY

4

by William Casile

Although it has been since 1971 that the federal government acted to authorize grants to states to assist them in initiating, expanding, and improving programs of special education via the Education of the Handicapped Act (EHA, Part B), it was the enactment of P.L. 94-142, the Education for All Handicapped Children's Act of 1975, that culminated a long legislative struggle to significantly increase federal involvement in special education. This heightened federal involvement was not only sought in the form of increased allocations, but it also included more active involvement in the establishment and enforcement of procedural safeguards to ensure full implementation of apprpriate educational programs and services for all students with handicaps. Its enactment signaled the acceptance by Congress that the education of handicapped individuals was their right and, perhaps more important, a reflection of societal values.

In order to assist in the implementation of this goal of full educational opportunity required by the act, a federal funding formula was established that will increase the percentage of federal aid from 5% in fiscal year 1977 to 10% in fiscal year 1978, 20% in fiscal year 1979, 30% in fiscal year 1980, and, finally, to 40% in fiscal year 1981 and succeeding years. This percentage will plug into a formula that multiplies it by the national average expenditure per pupil (NAE). This product is then multiplied by the number of handicapped individuals aged 3 to 21 who are receiving special education and related services in the state (HNI). This final product is the maximum possible allotment of federal funds to the state for that fiscal year. This funding formula can be represented as follows:

(5 to 40%) x NHI x NAE = state allocation for that fiscal year

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There are several stipulations that the law applies to this general formula:

1. the number of handicapped children receiving special education and related services in the state shall be determined by averaging the October 1 and February 1 accounting of such children from the preceding fiscal year.
2. the total number of handicapped children counted may not exceed 12% of the state's total number of children aged 5-17.
3. the maximum number of children with specific learning disabilities which the state may count is 1/6 of those counted as handicapped.
4. a state my not count handicapped children who are already being counted in order to receive federal funds under Section 121 of the Elementary and Seconday Education Act of 1965 (P.L. 89-313).
5. the funds received under this act must first be utilized to provide programs for those handicapped students who are not receiving an education and second to provide programs to those students with the most severe handicap in each of the areas of disability.
6. of the state's total allotment, 1% is targeted for handicapped American-Indian children.
7. each state education agency is allowed to use 5% of these funds or $200,000, whichever is greater for administrative costs.
8. the amount of funds to the state will never be less than the state's fiscal year 1977 allocation.
9. these federal funds received cannot be used to supplant local or state effort. At the local level they may only be utilized to cover additional expenses incurred to meet excess costs related to the education of the child with a handicap.

The Congress, hearing testimony from educators, recognized the importance placed on early childhood education for the handicapped. As a result, a preschool incentive grant funding formula was included that enables states receiving general funds to apply for a maximum of $300 per handicap-

ped child aged 3 to 5 years. This money would be in addition to funds earned by counting these children in the general funding formula but are, again, not available for those preschool age children counted for purposes of funding under Section 121 of the Elementary and Secondary Education Act of 1965 (P.L. 89-313).

The impetus for this federal legislation to assist and ensure the education of all handicapped children found its beginning in the right to education cases that have sprung from Brown vs. Board of Education (1954), Pennsylvania Association for Retarded Citizens (PARC): vs. Commonwealth of Pennsylvania (1972), and Mills vs. Board of The concepts of the states' responsibility to educate all children and the responsibility of the federal government to provide financial assistance in this effort were combined with the testimony from these right to education cases. The result was a description of a theoretical and technological level of development in the education of individuals with handicaps that would allow for the provision of special education experiences without violating the individual rights of these citizens.

An important issue here is that what the law stipulates is only as important as why and how the law came to be. While it is true that we have had to go to our judicial system to have the educational rights of persons with handicaps clarified, judges, lawyers, and legislators did not make decisions solely on information from their own sphere of expertise. They sought and received testimony from experts in education and psychology. This authoritative testimony overwhelmingly validated the educational principles finally incorporated into the law. It was these professionals, testifying in court and before Congress, who confirmed the fact that we did possess the ability to actualize our values around the education of all people.

This process of how the law came into existence must be a message that every educator, every parent, every person involved with the education of individuals with handicaps must understand if we are to avoid the pitfalls that surround full implementation. Without the understanding, the language of the law will surely be seen as an idealistic education paradigm based solely on an altruistic sense of justice rather than on current and dynamic educational principles. With this inaccurate rationalization, a social system such as public education could be left expending energy defending what exists rather than creating what could be. Unfortunately, this inevitably leads to behaviors and statements that say: "The law represents a laudable concept, but it cannot be implemented"; "It only creates more red tape and paper work"; "We are doing the best we can with our present resources; there is nothing else we can do"; "There are just too many children and the costs are prohibitive"; or the bottom line which reads "We would like to appropriately educate all handicapped children but we are not given enough money to do the job."

If these are the answers to the dilemma of implementation that we will accept, then we have bought into the myths perpetrated by a social system that seems reluctant to use its creative talents and vision to meet the challenges necessary for it to remain a reliable and accurate instrument of acculturation. If we have been immobilized by this issue of "insufficient funds" and have not looked into our collective values and priorities for answers, then we have relinquished our individual responsibility to generativity.

Unfortunately, the history of how we deal with those students who significantly deviate from the norm does not support the notion that our educational system is committed to naturally and appropriately accommodating all children. On the contrary, it was this very same history of denying handicapped persons access to education that was instrumental in persuading the courts and Congress to stipulate various safeguards, such as the due process procedure and the individualized education plan (IEP), in order to protect these individuals from the vested interests of the administrative structure in the education system.

The real challenge in implementing P.L. 94-142 is to re-orient and sensitize an education bureaucracy to the value of all children. This process must occur at the local education agency (LEA), where the direct responsibility for education lies; it must occur at the state government level, where we often find state education agencies sluggish in their responsibility to guarantee appropriate education for all children; and it certainly must occur at the federal level, where Congress must decide each year on the authorization level at which funds will be made available to the states for special education programs and services. Persons

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ISSUES RELATING TO PUBLIC LAW 94-142

by Constance Hunter

Final regulations implementing Part B of The Education for All Handicapped Children Act (Public Law 94-142) became effective October 1, 1977. Many issues of concern arise as educators scramble to implement mandated programs.

IDENTIFICATION

The National Advisory Committee on the Handicapped reported that more than half of the nation's eight million handicapped children still do not receive an education appropriate to their needs and that nearly a million are denied public schooling altogether. Many children are not "having successful experience because their handicaps are undetected."

Public Law 94-142 mandates that every one of the nation's handicapped children (defined as "mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, other health impaired, deaf-blind, multi-handicapped, or as having specific learning disabilities") receive "special education and related services." This law continues as it states, "there will be an intensive and continuing effort to locate and identify youngsters who have handicaps, to evaluate their educational needs, and to determine whether those needs are being met."

All handicapped children between the ages of 3 and 18 must be identified and receive services no later than September of 1978 and those between the ages of 3 and 21 by September of 1980.

To encourage the national practice of beginning the education of handicapped children by at least age 3, P.L.94-142 authorizes incentive grants of $300 over the regular allocation for each handicapped child between the ages of 3 and 5 who is afforded special education and related services.

This challenge must be met by state and local agencies. Although one would expect the funding to parallel the comprehensive task set forth by this law, the policies expressed in the law are binding regardless of appropriations.

ASSESSMENT

Once children are identified as having special needs, their eligibility to receive special education services must be determined.

Prior to P.L.94-142, children were assigned to special education classes primarily on the basis of intelligence quotients from individual tests administered by school psychologists. Other related school personnel were consulted, but the intelligence quotient received major emphasis. Many intelligence and achievement tests have been determined unfair to children with cultural backgrounds different from the population upon which the tests were standardized. As a result, children receiving low scores on such tests were inappropriately placed in special education classes and schools. Protection for these children throughout the evaluation process is provided by the Act: (a) "a child will receive tests appropriate to the degree and type of presenting problem; (b) the tests administered will be as free of discrimination as possible considering the population upon which they were standardized and the population to which they are administered; (c) the test will be administered in the child's primary language. (d) the tests will be administered by personnel qualified to do so; (e) the examiners will be trained to interpret the elements in each test which would be discriminatory against certain populations."

PLACEMENT

Upon determination of a need for special education and related services and prior to placement, it is required that an "individualized educational program" (IEP) be developed. The program must meet the individual needs of the child addressed, is limited to special education and related services received by the child, and will state

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what is actually provided to the child in the form of a distinct plan from which a program is to be developed.

The act specifies the persons to be involved in the decision making and planning process including "a representative of the local education agency or intermediate educational unit who is qualified to provide or supervise the provision of special education, the teacher or teachers of the child, the parent or guardian, and whenever appropriate, the child". This should eliminate the common practice of professionals other than the teacher primarily responsible for program delivery making program and placement decisions. The parents have also been viewed as an important element in the educational process yet have all too often had contact only with the local administrator. Experience demonstrates that the child involved can contribute valuable insight in terms of his own educational strengths and weaknesses. The law requires open communication between all involved in the child's progress through the development of the individualized education program. This program then becomes an agreement between these persons linking the child and appropriate services. Any one member altering the services stipulated in the program without proper consultation would be creating a breach of the agreement and therefore, would alter the status of the child's free appropriate public education.

An additional element of the individualized education program requires handicapped children to be educated with nonhandicapped children to the maximum extent appropriate. The handicapped child is to be placed in special classes or schools "only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily". The act refers to this as "least restrictive environment."

Past practices included determination of existing program options and then fitting the child into one of these options based upon his/her traditional handicap label. Currently, placement must be made based upon the individual needs of the child and the services required to meet those needs as outlined in the individualized education program. If the services required are not presently available in the community, that setting must be created or located as close as possible to the child's home.

Many issues surround interpretations of "individualized education programs" and "least restrictive environment." Teachers question implementation of a program when resources have been identified but not provided. Their right to demand that such resources be made available to individual children or to challenge participation in activities not specified in the individualized education program remains undefined. Unions are utilizing teacher rights such as the right to refuse placement of handicapped children in inappropriate settings and in contract negotiations.

ACCOUNTABILITY

Teachers have always had concerns about the individual child and his/her educational needs. It is only now through the federal mandate Public Law 94-142 that these concepts of individual consideration, idealistic as they seem to some, have become requirements.

State and local education agencies can receive federal financial support for the purposes of this law only by adopting a "full service" policy of assuring all handicapped children a free appropriate public education and preparing for submission to the Commissioner of Education a plan for implementing the policy. More than 16,000 school districts in the United States are accountable to the Office of Education, and Congress maintains a high interest in the implementation of the law by state and local education agencies.

Teachers have a concern about accountability on a more personal level. The individualized education program is viewed by some, incorrectly, as a binding contract. The law "does not require that any agency, teacher, or other person be held accountable if a child does not achieve the growth projected in the annual goals and objectives" This does not, however, relieve teachers and agencies from making "good faith efforts" in assisting the child to achieve those goals and objectives.

Public Law 94-142, The Education for All Handicapped Children Act now in full implementation, signifies a major commitment of the nation to the 10 to 12% of the school population who are handicapped. Society will benefit as we begin to observe individual differences, strengths as well as weaknesses, in one another.

STUDENT RECORDS: THE HORNS OF A DILEMMA

by Richard D. Grubb

Eric is a fourth grader who has been having difficulty relating to peers and adults and whose academic performance has been at a marginal level. A psychiatrist interviewed Eric and indicated that he was manifesting an "adjustment reaction of childhood." A psychologist evaluated him and stated that Eric has "great difficulty with interpersonal relationships," "has significant visual-perceptual problems," and is "socially and emotionally disturbed." Eric's teacher described him as hostile, aggressive, and disruptive. Each of these professional persons used labels in describing Eric--labels of a type which have been useful for professional persons in the past in making decisions regarding children. At the current time, however, such labels may be misunderstood and/or objectionable to parents who now have a right to inspect and review the educational records of their child as a result of legislation such as The Family Educational Rights and Privacy Act (Federal Register, 1976), commonly referred to as the "Buckley Amendment."

Professional persons may now be in great difficulty if they collect too little information on children and are thereby unable to justify a child's educational placement and educational program. At the same time, they could be in great difficulty if they collect information which risks betrayal of a child's (parents') right to privacy. Consequently, professional persons are on the "horns of a dilemma." On the one hand, they need to provide sufficient information to justify the inferences, generalizations, and labels on which educational placement and program decisions are made and, on the other hand, they must be extremely judicious in collecting information if they are to protect confidentiality rights of children and parents. A resolution to this dilemma is available in the situation of Eric. Each of the labels used by the three persons describing Eric was a generalization or inference made from specific data provided by Eric in his verbal and non-verbal behavior, i.e., Eric said something or did something which enabled each person to reach his individual conclusions. Part of the resolution of the student records dilemma lies in such specific data. Generalizations, labels, or inferences not supported by data only hinder such a resolution.

It is proposed, then, that justification for educational placements and programs is based upon verification--the verifiability of labels, inferences, and generalizations. It is further proposed that parents' and children's rights to privacy be protected by educational relevance. Verifiable decisions are based upon data and logic. Generalizations, labels, and inferences are not data. Data refers to something a child said or did (a) a formal device such as a normative test; (b) an informal device, e.g., observation on the playground; and (c) any other words or actions between these extremes. In order to account for the data and logic, it is necessary that accurate records be kept regarding this data as well as the logical procedure or strategy by which the final conclusions and/or decisions are reached. This verification of student records is further advanced by the fact that the child and/or his parents are entitled to the information to insure its accuracy and to insure that decisions made upon it are justified.

The child's (parents') right to privacy or confidentiality is protected as much as possible when all material collected and maintained is educationally relevant. Educationally relevant material refers to a child's educational history as seen by previous teachers, present teachers, and other professionals; a history of previous professional examinations; and, to a very large extent, a child's current skills and scores. Strengths and weaknesses in such specific skills and scores should be included. Information about the child's social history, generally, or family

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life, specifically, may also have a great deal of educational relevance but should not be included unless given voluntarily and spontaneously by a parent and kept only then with parents' knowledge. For example, information regarding the way a child relates with siblings and parents, the kinds of activities which the child participates in spontaneously at home, the books the child reads, a child's favorite T.V. programs, and his home-based responsibilities may have a great deal of relevance for teachers trying to work together with parents in providing an education for a child. Generally excluded in a child's records are such things as unnecessary psychiatric nosological categories and unnecessary psychoeducational labels which may produce social stigma and iatrogenic illness. Also excluded would be any speculations which are not verifiable unless such speculations are listed as such. It is acknowledged that even information with the greatest educational relevance may still be sensitive, e.g., difficulties at school not noted at home. Accurate records of what a child said anddid in such specific situations may give rise to negative reactions on the part of parents. In such situations nothing takes the place of honest, open, face-to-face communication with parents by the professional person keeping the record.

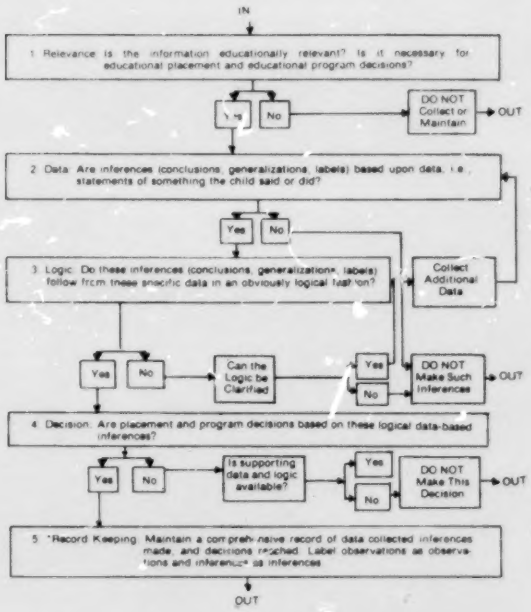
Figure 1 depicts a decision-making model for accountable student record keeping The test of relevance is the necessity of the information for placement decisions and program decisions. All other information is deemed irrelevant and is not kept. A decision regarding the data issue lies in two questions: 1) Is this a statement of what the child said? and 2) Is this a statement of what the child did? If the answer is "no" to each question, the information is not specific data but is probably inferential in nature. The test of logical inference is its obviousness to others accessing the records.

Placement and program decisions made using this model should be accountable in terms of compatibility with recent legislation and verifiability in terms of data and logic. Such decisions should also be protective of the child's (parents') right to privacy to the maximum extent possible.

REFERENCE

The Family Educational Rights and Privacy Act. *Federal Register*, June 17, 1976, **41** (No. 118).

Figure 1
A Decision Making Model for Accountable Student Record Keeping


IN
1. Relevance: Is the information educationally relevant? Is it necessary for educational placement and educational program decisions?
Yes
No
DO NOT Collect or Maintain
OUT
2. Data: Are inferences (conclusions, generalizations, labels) based upon data, i.e., statements of something the child said or did?
Yes
No
3. Logic: Do these inferences (conclusions, generalizations, labels) follow from these specific data in an obviously logical fashion?
Collect Additional Data
Yes
No
Can the Logic be Clarified
Yes
No
DO NOT Make Such Inferences
OUT
4. Decision: Are placement and program decisions based on these logical data-based inferences?
Yes
No
Is supporting data and logic available?
Yes
No
DO NOT Make This Decision
OUT
5. *Record Keeping: Maintain a comprehensive record of data collected, inferences made, and decisions reached. Label observations as observations and inferences as inferences.
OUT

*It is suggested that this be done only in keeping with an Administrative policy and using prescribed Administrative procedures.

ERRATUM

Volume II, Number 1 November, 1977
Page 28 and 29
Robert J. Moro, Director of Design;
Mihai Marcu, Director - In - Charge of Design
IKM Partnership should read:
Robert J. Moro,
Director of Design
Mihai Marcy,
Partner - In - Charge of Design,
IKM Partnership.

Page 29
John Merck Unit
Program Director, Irene Jakab

IMPACTS ON HANDICAPPED AND NONHANDICAPPED CHILDREN

7

by Hollis Kazdan

Hollis Kazdan, B.S. in Child Development: Doctoral Student Program in Education, University of Pittsburgh, Pittsburgh, Pennsylvania.

Traditionally, handicapped and nonhandicapped children have been segregated in to separate preschool programs. Money has been spent for supplies and teachers in both settings. Public Law 94-142 will provide an increased number and an improved quality of opportunities for all preschool children by integrating handicapped and nonhandicapped children as much as possible. Both handicapped and nonhandicapped children will benefit from stipulations for early assessment and identification procedures, comprehensive personnel development, supportive services, assurance of the maintenance of individualized programs, and parent involvement. A concern for the education of exceptional children seems to demand a concern for all children (Bertness, 1976).

RELATED SERVICES

In order to educate handicapped preschoolers in the least restrictive environment, provisions must be made for the hiring of consulting teachers and therapists, methods and materials specialists, and inservice training for regular classroom teachers. Preschool teachers are in most cases sensitive to the individual needs and development of children. Inservice training of teachers in already existing preschools will sensitize them further to the individual needs and abilities of children. The Bureau of Education for the Handicapped (BEH) has listed as one

of its priorities the training of preschool personnel, preservice and inservice, to serve preschool children (Mueller, 1976; Saettler, 1976). A number of successful demonstration programs have established the effectiveness of early intervention programs and have a variety of tested techniques available for dissemination to schools (Hobbs, 1974; DeWeerd & Cole 1972). The basis of all of these programs and training techniques is the emphasis on the awareness of individual differences and the necessity of individualized instruction to maximize the development of each and every child, handicapped and nonhandicapped. Improved teacher training, better curriculum, and more individualization will improve general preschool programming.

EARLY IDENTIFICATION AND ASSESSMENT

One of the major requirements of P.L. 94-142 is the establishment of extensive child identification procedures. It is estimated that there are approximately 1 million handicapped children under the age of 6 in the United States. Of these 1 million children, only 25½% are receiving appropriate specialized educational services (CEC, 1976). Massive screening and assessment will detect not only those children with noticeable handicaps, but also those children who risk becoming developmentally delayed, for example, children with a minor visual or hearing impairment, chronically ill children, children who suffer from malnutrition, or those coming from unstimulating environments. Many cities already have mobile units that go to shopping centers and day care centers to screen children for vision and hearing problems and developmental delays. Screening will, when necessary, lead to further diagnostic studies which will in turn lead to appropriate placement of the child in accordance with the results of diagnostic tests. Preschool programs for infants, toddlers, and preschoolers must then be made available to ameliorate problems and reduce the future effects of the diagnosed handicaps. Early detection and appropriate intervention will help to prevent more serious disabilities. Through increased awareness of the importance of early childhood screening and education, it is hoped that programs will be reviewed, evaluated, and improved so that each child may be placed in an optimal learning environment where the program is adapted to him and geared to prevent unnecessary failure and foster normal development (Hayden, 1974).

SPECIAL INCENTIVE GRANT

In the past, there has been little money available for preschool programs. Since preschool education was not mandatory, preschools were supported by private donations, government grants, or the leftovers of state funds. The special incentive grant aimed at encouraging the delivery of special education and related services to preschool handicapped children will mean more and, hopefully, better services for all preschoolers. The law stipulates that each handicapped child in each state, aged 3 to 5, who is reported as served will generate a special $300 entitlement. This money goes to the state education agency and must be used to provide further preschool services. If the money is used to improve existing programs, children will benefit from better trained teachers, more auxiliary services and improved materials and curriculum. If the money is used to provide new facilities, "The omission of certain architectural barriers and the selection of developmentally appropriate design, furnishings and equipment would make it a more desirable facility for all young children, handicapped or otherwise" (CEC. 1976 p. 24). More money for preschool education will mean that all young children will have more preschool opportunities.

JUSTIFICATION FOR INTEGRATION

The basic justification for early integration of handicapped and nonhandicapped children centers around the positive benefits of social interaction. A major factor in delayed social development of handicapped children may be the lack of opportunity to learn necessary responses. Mentally and physically handicapped children may not have been provided previously with opportunities to participate in normal play activities and their interactions with others may provide negative social feedback (Allen, 1974). Negative feedback may come from the nonhandicapped population due to a lack of understanding or fear of somebody different. It is the aim of integration to decrease the scope of these problems.

There are several basic goals of integra-

tion and concommitant positive potential outcomes:

Peer modelling. It has been found that with specific intervention in the form of systematic behavior modification, retarded children can be trained to imitate motor and social responses of normal children. This behavior appears to be generalizable and progresses rapidly, thus making the cost in teacher time reasonable and loss to other children insignificant (Allen, 1974). Data on normal children indicate steady progress and imitation of retarded children only if their behavior is appropriate (Allen, 1974; Snyder, Apolliní, Cooke, 1977; Cooke, Apolloni, Cooke, 1977). The positive potential outcome of peer modelling is that this early training should permit the handicapped individual to use his knowledge of the imitation process to adapt to novel situations where the necessary normal behavior is not already in his repertoire. Once he develops appropriate behaviors, these will hopefully serve as models for imitation by his peers and reinforce the reciprocal nature of social interaction.

Peer reinforcement. It has been found that nonhandicapped children can function as the reinforcing agents for increasing positive behaviors in handicapped children. As a result of these structured interactions, it is possible that the handicapped children will grow up with a greater repertoire of socially acceptable behaviors and a greater ability to interact with people. It is also possible that since social reinforcement is reciprocal, eliciting socially acceptable responses from a handicapped peer will be reinforcing to the nonhandicapped child and thus the number of future interactions will increase (Snyder, Appollini,Cooke. 1977).

Attitudinal changes. The positive long-term potential outcome of early integration is an increase in the level of understanding and acceptance of the handicapped individual leading to increased interactions of the handicapped with nonhandicapped.

SUMMARY

It has been stated that early childhood education of the handicapped is a viable means of reducing the number and degree of handicapped children. It will also make it possible for children who would previously have been restricted to special classes to be served in regular classrooms. The stipulations in P.L. 94-142 for teacher training, material and curriculum development, special services, and increased funding for preschool programs will create better preschool learning situations for all children. Concentrated effort must be devoted to the integration of handicapped and nonhandicapped children into preschool settings. Although much research needs to be done in this area, demonstration projects have proven successful. In the long run, successful implementation of P.L. 94-142 will depend upon the combined efforts of all school personnel.

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8

MAINSTREAM IMPACT ON PARENTS OF HANDICAPPED AND NONHANDICAPPED CHILDREN

by Ruth Kaplan

Not so long ago, certainly within my own life span, children were mainstreamed: either a child went into a regular class or received no schooling at all. Whether a special child learned in this setting or not depended largely on the individual teacher and his or her innate ability to make a situation a positive learning experience for all the children. Many were totally excluded from all educational opportunities and most benefited little from their presence. As a result, and with much effort on the part of the parents, the pattern was changed. This change to a segregated system also fitted well into the general move toward specialization as more and more knowledge became available and more specialized training was demanded of the teachers. Since then, with the impact of Wolf Wolfensberger's theory of normalization, we have come full circle in little more than a decade.

In order to deal more effectively with parental concerns, we must attempt to understand their origin. We must ask ourselves what triggers the fears and what issues must we attempt to deal with to alleviate common concerns. It is my contention that some of the parental reaction is ordinary "gut" feeling about their own experiences as children in school. Most of us have never dealt adequately with the issue of the authority of school personnel and their effect on our lives. Decisions were made by a "professional" and few if any alternatves were available to us. Many of us had watched and at times participated in scapegoating those less able with little understanding or intervention by those in charge. Now we are asked to believe that things are different and that this experience will benefit all.

How then do we help parents make an educated choice? In my experience the most essential ingredient is time. When any parent feels pressured, anxiety rises; minor issues become problems and are rarely discussed rationally. It is generally helpful for parents to have the opportunity to discuss these issues with other parents. This can very effectively be done in a small group setting or by linking a parent to another who has recently had similar experiences. Painful experiences can be recounted, personal reactions to handicapping conditions dealt with and fears expressed openly. A visit to a successful project should also be encouraged and then discussed fully. Success or failure is not only related to the program but also to the parents' belief that this is the correct step and his or her willingness is needed to help make it work. An open communication system between teacher and parent is most essential. As long as defenses are up, the experience is unlikely to be a good one for

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any child. All parties involved must be committed to make it work.

A clear and precise description of the philosophy of any particular school program, written in lay terms, would undoubtedly be helpful to parents. People choose specific schools for many different reasons; some are realistic while others tend to be more mythical. Specific expectations vary from child to child and family to family. It is important that staff involved in mainstreaming be aware of parental aspirations for the child, to help the parents judge whether the specific program meets these goals. If a parent sees early education as essentially academic exposure, with little emphasis on social growth and development, they are likely to feel that inclusion of children whose needs differ will lessen their child's exposure to such skills. We have not resolved this problem in relationship to integration; it will require continuing effor on everyone's part to prove that there is much to learn in a multifaceted setting that will help children cope more successfully in real-life situations. On the other hand there are parents who are fearful of having their handicapped child exposed to "normal" children because it will accentuate differences. They may feel that for the child's self image it is better to be at the top of a special class rather than at the bottom of a regular one. The above are only a few examples of the many issues raised by parents concerned with mainstreaming; all arguments should be taken seriously and given time for careful consideration. It is important that we listen carefully to what parents are saying and hear without making value judgments. Just because we are philosophically committed to mainstreaming, it does not mean that everyone else is also committed or that it is good for each and every child. It is important to remember that parents live with their children for many more hours each day than we do and generally know their child quite well.

For the parent of the normal child, it is important to get an understanding of the present system of education for the handicapped child. With early intervention programs, children come into service earlier and earlier. As a result, although delayed in some areas, the children may well function normally or close to normal in others. Many handicapped children are socially well prepared for mainstreaming. The issue then becomes one of helping parents see the positive aspects of such a program for their child. Prepared slide presentations are available, but a presentation of your own experiences may even be more effective. Movies or slides of special education programs juxtaposed with so-called normal settings are another useful tool. Of course, parents who have experienced mainstreaming are a marvelous resource. All of this will be meaningless unless you can reassure families that support services will be available to all children.

Issues that need to be handled are as basic as what is learning. Are differences to be feared and pushed out of sight or can they be understood and become part of daily living? How do they as individuals react to handicaps? How do they think their children will react and how would they like them to feel? If it is possible, introduce a parent and child to another prior to class room placement. Remember it is much easier to prepare for change than to deal with reactions once anxiety is high. People tend to be afraid of the unknown and mainstreaming is still a little known concept. It will take work with all the parties involved--teachers, parents, the handicapped child, and the so--called normal child--to make it work. If the program is well thought through the children will make their adjustment, but remember that each new class of parents and children will require your effort on their behalf and on the behalf of mainstreaming.

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9 COVER DRAWING

BY Judith Rubin

One of the most heartening aspects of P.L. 94-142 is that the guidelines for its implementation include specific reference to the importance of the arts in the education of handicapped children. Thanks to the efforts of a relatively new group (The National Committee, Arts for the Handicapped) the Senate Report on P.L. 94-142 was quoted in the final regulations:

> The use of the arts as a teaching tool for the handicapped has long been recognized as a viable, effective way not only of teaching special skills, but also of reaching youngsters who had otherwise been unteachable. The Committee envisions that programs under this bill could well include an arts component and, indeed, urges that local educational agencies include the arts in programs for the handicapped funded under this Act. Such a program could cover both appreciation of arts by the handicapped youngsters, and the utilization of the arts as a teaching tool per se. (p. 43488)

Elsewhere, reference is made to the inclusion of "Other developmental, corrective, and supportive services (such as artistic and cultural programs, and art, music, and dance therapy), if they are required to assist a handicapped child to benefit from special education." (p. 42480).

It is exciting to know that now federal funding can legitimately be utilized to provide services for handicapped children in the arts, one of those areas which has been most neglected, yet is potentially most useful to the child. Pittsburgh has already begun exciting work in the use of the arts with handicapped youngsters in various settings and will undoubtedly progress even further and faster, now that increased support is available. One early project in this city was a pilot study at the Western Pennsylvania School for Blind Children, carried out in 1969-1970 under the leadership of Dr. Janet Klineman. Dr. Klineman was investigating learning strategies which would be effective with multiply-handicapped visually-impaired youngsters and thought that art with a theraputic bias might be a useful tool. Indeed, our brief pilot program was so successful that out of it grew a film (Rubin, 1976), (We'll Show You What We're Gonna Do!), a research study (Rubin and Klineman, 1974), and articles (Rubin, 1976) describing both the educational and the therapeutic aspects and a gradually growing program component which is now carried on full time by creative arts specialist, Susan Aach.

One of the children who was in the initial study group later left the school to be "mainstreamed" into the public school classes for the visually handicapped. This girl, whom we shall call Janice, had expressed her feelings about herself as different and more vulnerable due to her handicap in her very first individual art interview. (see cover drawing.) She drew, with markers, a "Snowman Family" of three, and when asked who they were, wrote the names of herself and her parents below the figures. She said that the parents don't fight but, referring to herself in the drawing, said "I get angry the most." When asked the cause of her anger, she stated with vehemence, "I just never want the sun to come out." I wondered if that was because her snowman would melt, and she said, "Yes." I then asked, "Doesn't the sun melt the parents too?" to which she bitterly replied, "No. 'Cause they're unmeltable!"

Janice continued to express her resentment and retaliatory rage at the sighted, especially those on whom she felt dependent. Later, she painted "a building which is a hospital, and in this hospital--there's just one patient in this hospital...The one patient is Mrs. Rubin...She had an accident. She bumped into another lady's car and...she punctured her eye." When asked what would happen, she said with a grin, "It's gonna blind her," going on to explain how I would then be unable to work with children in art. When asked how she herself felt about it, she asserted with a sly smile, "I don't feel anything. My sight's coming back!" Having verbalized this wish, she went on to deny her handicap completely, saying, "I can see just like a regular person!"

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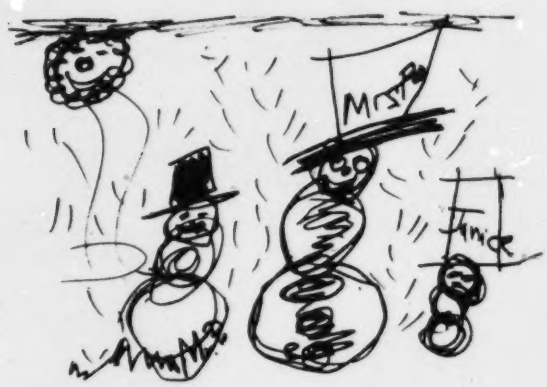

Snowman Family

Hospital

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mention at this point is the use of Part B monies. Monies must be expended on first priority children and second priority children.

The law states that firs priority children are handicapped children in an age group for which the state must make available free appropriate public education and are not receiving any education. The second priority children are those handicapped children within each disability with the most severe handicap who are receiving an inappropriate education. As of September 1, 1978, there should be no second priority children as they should all be receiving a free appropriate public education. The first priority children will continue to be found after September 1, 1978, through ongoing efforts to identify, locate, and evaluate all handicapped children.

It should be noted that the term "free appropriate public education" can be translated to mean "special education and related services which are provided in conformity

with an IEP."

This very quick analysis gives you an overview of the major components of the law. It was impossible to go into great detail because of the lack of time. However, if the law is fully realized and if children are appropriately evaluated and if an appropriate IEP is developed in the least restrictive environment, then all of education will benefit.

The law forces the education system to educate children in the mainstream of life. The law says that you can't exclude handicapped children from the education environment and that you can't segregate handicapped children away from nonhandicapped children. The law finally says that you are to meet the educational needs of each and every one of your handicapped children.

If all of this is to be fully realized, the consumers must be aware of their legal and educational rights, and they must exercise these rights to make the law really happen.

It was once said that a society succeeds or fails in direct proportion with the way it enhances or impedes the growth and development of its children. We now have available to us the mechanism to change the educational system on behalf of our nation's handicapped children. What happens from now on is up to us!

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(cont'd from page 59)

interested in the education of all children must be willing to advocate on all three levels. Our Right to Education history has demonstrated that it is only through the existence of advocates in relation to this social system that we can expect to create situations that concentrate the focus back on the child and not on the systemic dilemmas of logistics.

From this appropriate child-centered orientation, we should be able to solve problems, cut the red tape, reallocate existing money, more effectively utilize those resources that are available, as well as seek new funding. If we truly value all children, then we cannot permit ourselves the luxury of waiting for new money to meet the demands of our values. We must proceed with new visions, new ideas, and a new commitment to the goal of full educational opportunities for all children.

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